

REMARKS

Applicant acknowledges with appreciation the courtesy extended by the Examiner in a personal interview with the Applicant and Applicant's representative, Randall A. Notzen on May 16, 2007. During the interview, the difference between the present invention and the disclosure of U.S. Patent No. 5,966,699 to Zandi, the rejection under 35 U.S.C. § 112, second paragraph, in the Office Action and possible clarifying amendments to claim 1 were discussed. No agreement was reached regarding the claims.

Claims 1-5 stand rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Claims 1-5 also stand rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Lastly, claims 1-5 stand rejected under 35 U.S.C. § 102(b) for anticipation by the Zandi patent.

In response to the foregoing rejections, claims 1, 2 and 5 have been amended as set forth above and claim 4 has been cancelled. After the foregoing amendments, claims 1-3 and 5 are pending in the application.

Regarding the rejection under 35 U.S.C. § 101, during the interview, the Examiner indicated that this rejection could be overcome by amending claim 1 to recite displaying some result. In response to this suggestion, step (f) of claim 1 has been amended to recite "displaying the ranked weighted total scores. . .". In addition, claim 2 has been amended to recite "displaying the first lease simulation outcome . . ." and "displaying the second lease simulation outcome. . .".

Based on the Examiner's comments in the interview, it is believed that the foregoing amendments overcome the rejection under 35 U.S.C. § 101.

Regarding the rejection under § 112, second paragraph, reconsideration is requested.

As can be seen from the attached Google search for "define:qualitative", the term "qualitative" is defined as, among other things: relating to quality or kind; descriptive of kind, type or direction, as opposed to size, magnitude or degree; expressible in terms of quality, either measurable or subjective, as distinct from quantitative; involving quality or kind; and relating to or involving comparisons based on qualities. As can be further seen from the attached Google search for "define:quality", the term "quality" is defined as, among other things: the inherent or distinctive characteristics or properties of the thing; and the totality of features or properties of an entity that bear on its ability to satisfy stated and implied needs.

In the present invention, qualitative variables are variables that are expressible in terms of quality, either measurable or subjective, as distinct from quantitative. It is respectfully submitted that given the definitions for "qualitative" and "quality" shown in the attached Google searches, the various uses of the phrase "qualitative lessor variables" in the claims is definite. Notwithstanding, claim 1 has been amended to include limitations from cancelled claim 4 that the lessor entered qualitative lessor variables and the lessee entered qualitative lessor variables each include at one least one of the following: lessor's lease documents; lessor's reputation; lessor's knowledge of the item being leased; lessor's status as a private or public entity; and whether the lessor is also a vendor.

Accordingly, withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is requested.

Regarding the rejection of claims 1-5 under 35 U.S.C. § 102(b), reconsideration is requested.

As amended herein, step (a) of claim 1 generally recites that a first plurality of lessee entered qualitative lessor variables and a first plurality of lessee entered quantitative lessor data regarding a lease input at a lessee's computer are provided to at least one lessor's computer via a computer network. In this step, lessee entered qualitative lessor variables and quantitative lessor data that the lessee is proposing are provided to each lessor participating in the auction.

In step (b) of claim 1, a second plurality of lessor entered qualitative lessor variables and a second plurality of lessor entered quantitative lessor data regarding the lease are received from each lessor's computer via the computer network. In this step, lessors participating in the lease auction can have their proposed quantitative data and qualitative variables received via the computer network for subsequent processing in step (c).

In step (c) of claim 1, a grade or relative weight related to an importance to the lessee of at least one of the lessor entered qualitative lessor variables for each lessor is received from the lessee's computer via the computer network. In this step, a grade or relative weight assigned to at least one lessor entered qualitative lessor variable for each lessor entered by the lessee at the lessee's computer is received via the computer network.

In step (d) of claim 1, the grade or relative weight received for the at least one lessor entered qualitative lessor variable for each lessor and the lessor entered quantitative lessor data for the lessor are processed to determine a weighted total score for the lessor. In this step, the grade or relative weight for each lessor entered qualitative lessor variable for

each lessor is processed along with the lessor entered quantitative lessor data for the lessor to determine a weighted total score for the lessor. In other words, the grade or relative weight assigned by the lessee to at least one lessor entered qualitative lessor variable for each lessor along with the lessor's entered quantitative lessor data are processed to determine a weighted total score for the lessor.

In step (e) of claim 1, the weighted total scores are ranked.

In step (f) of claim 1, the ranked weighted total scores are displayed on the lessee's computer and each lessor's computer via the computer network. The ranking of each weighted total score on each lessor's computer enables each lessor to evaluate the lessee's assessment of their proposed qualitative lessor variables and quantitative lessor data. As a result of the display of the ranked weighted total scores, each lessor is in a position to objectively determine whether their proposal is competitive and to act accordingly.

In step (g) of claim 1, steps (c)-(f) are repeated each time a change of at least one of the lessor entered qualitative lessor variables or at least one of the lessor entered quantitative lessor data is received from at least one of the lessor's computers via the computer network. By repeating steps (c)-(f) in the manner set forth in this step each time there is a change in at least one of the lessor entered qualitative lessor variables or at least one of the lessor entered quantitative lessor data, the lessee in step (c) can assign a new grade or relative weight to an importance of at least one of the then existing set of lessor entered qualitative lessor variables. Thereafter, repeating steps (d), (e) and (f) of claim 1 enables new weighted total scores computed for each lessor to be ranked and displayed.

As can be seen from the steps of amended claim 1, the lessee assigns a grade or relative weight to at least one lessor entered qualitative lessor variable upon the initial submission of such variables in step (b) and each time there is a change in one of these variables in step (g). Thus, in claim 1, the lessee assigns grades or relative weights to lessor entered qualitative lessor variables. In this manner, the lessee controls the conduct of the lease auction by providing feedback in the form of a grade or relative weight assigned to lessor entered qualitative lessor variables to respective lessors, whereupon such lessors are able to determine how their proposed leases are being considered from a qualitative and quantitative standpoint by the lessee.

A benefit of the present invention is that each lessor participating in the lease auction is given feedback regarding the qualitative variables and quantitative data comprising their lease without having access to the qualitative variables and quantitative data of other

lessors participating in the lease auction. Thus, the qualitative variables and quantitative data of each lessor are not made available for review by other potential lessors participating in the lease auction, whereupon lessors have more incentive to propose aggressive and competitive qualitative variables and quantitative data in an attempt to win the lease. Such improved competitiveness results in a lower cost to the lessee and improved utilization of resources.

In contrast, the Zandi patent discloses a loan auction - not a lease auction. Differences between a lease and a loan include: a lease is a contract conveying land, renting property, etc. to another for a specified period in consideration of rent or other compensation, whereas a loan of the type disclosed in the Zandi patent is the lending of money at interest. A lease does not necessarily involve a loan.

Figs. 4A and 4B of the Zandi patent disclose a flowchart depicting steps for conducting a loan auction over a computer network. Figs. 4A and 4B and the corresponding description of the Zandi patent disclose in step 110 of Fig. 4A the electronic loan application of a prospective borrower is provided to a loan authorizer. In step 115, an electronic message is received from the loan authorizer indicating whether or not the loan is approved. If the loan is approved, the method advances to step 120 wherein the name of the prospective borrower and the record of the application are provided to a database that is made accessible to prospective lenders for a predetermined period of time.

As can be seen from the flowchart of Fig. 4A and the corresponding description of the Zandi patent, to the extent qualitative variables are part of the loan acceptance process, the assessment and grading or weighting of such qualitative variables is made by either a party making the loan or a party working on behalf of the party making the loan (the loan authorizer). In contrast, in the invention of amended claim 1 of the present application, the grading or weighting of qualitative lessor variables and quantitative lessor data is made by the lessee (the party taking the lease). Thus, in contrast to the teachings of the Zandi patent where the party giving the loan (or party working on behalf of the party giving the loan) may implicitly (or explicitly) grade or weight qualitative variables and/or quantitative data, in the invention claimed in claim 1 of the present application, the lessee (the party taking the lease) assigns such grades or weights with a view to improving the competitiveness of the lease auction. Accordingly, parties at different ends of the auction in the Zandi patent and in claim 1 of the present application assign grades or weights to the qualitative variables and/or quantitative data.

Stated differently, in the Zandi patent, either a party making the loan or a party working on behalf of the party making the loan (the loan authorizer) approves (or not) the loan using quantitative data and, presumably, qualitative variables. In contrast, in claim 1 of the present application, the lessee (the lease taker) approves a lease based on quantitative data of each lessor and qualitative variables of each lessor assigned by the lessee. Thus, different parties assign and make decisions based on quantitative data and qualitative variables in the Zandi patent and in claim 1 of the present application.

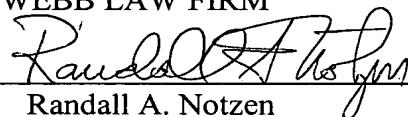
In addition, the Zandi patent does not disclose, teach or suggest the use of weighted total scores or the ranking thereof for a number of different parties (prospective lenders). Rather, only the one prospective borrower's qualitative variables and/or quantitative data are ranked (if at all). Thus, the Zandi patent does not disclose, teach or suggest the limitations of step (e) of claim 1, namely, the ranking of the weighted total scores, since such ranking is simply not necessary for the practice of the method disclosed in the Zandi patent.

CONCLUSION

Based on the foregoing amendment and remarks, reconsideration of the rejections and allowance of claims 1-3 and 5 of the present application are requested.

Respectfully submitted,

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define:qualitative

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Related phrases: [qualitative research](#) [qualitative analysis](#) [qualitative data](#) [qualitative methods](#) [qualitative variable](#) [qualitative trait](#) [qualitative risk analysis](#)

Definitions of **qualitative** on the Web:

- relating to quality or kind.
www.baylink.org/fieldtrips/glossary.html
- descriptive of kind, type or direction, as opposed to size, magnitude or degree
lib1.store.vip.sc5.yahoo.com/lib/allergybegone/glossary.html
- observations that do not involve measurements and numbers ("My brother is shorter than my sister," is a qualitative observation.)
education.jlab.org/beamsactivity/6thgrade/vocabulary/
- Referring only to the characteristics of something being described, rather than exact numerical measurement. 2. Indicative only of relative sizes or magnitudes, rather than their numerical values. A qualitative comparison would say whether one thing is larger, smaller, or equal to another, without specifying the size of any difference. As opposed to quantitative.
www-personal.umich.edu/~alandear/glossary/q.html
- Data that is related to the quality of observations.
www.mdk12.org/instruction/curriculum/science/glossary.shtml
- looking for regularities and differences in text, exploring the whole text (QDA - qualitative data analysis). A few programs allow the processing of audio and video information also. There is no common paradigm of QDA, there are many approaches.
www.textanalysis.info/terms.htm
- Analysis which merely determines the constituents of a substance without any regard to the quantity of each ingredient; contrasted with quantitative analysis.
www.agsci.ubc.ca/fnh/courses/glossary.htm
- Something you can't put a number on to give it its meaning or value, such as suffering. See also hazard. Opposite to quantitative.
www.jansen.com.au/Dictionary_PR.html
- Expressible in terms of quality, either measurable or subjective, as distinct from quantitative.
www.projectauditors.com/Dictionary/Q.html
- maps show nonnumerical data like land use types or victim/ offender characteristics, such as male or female, juvenile or

adult.

www.ncjrs.org/html/nij/mapping/ch1_12.html

- or ordinal, evaluation, that aims to identify, classify, and rank the failure modes, or the event combinations (component failures or environmental conditions) that would lead to system failures;
doi.ieeecomputersociety.org/10.1109/TDSC.2004.2



- Involving quality or kind.

www.nmlites.org/standards/science/glossary_5.htm

- Chemical analysis to identify the components of a mixture.

ojidp.ncjrs.org/PUBS/drugid/glossary.html

- without using numbers or exact measurements, but just in a rough sort of way.

www.phy.uct.ac.za/courses/phy322s/glossary.htm

- forecasting is that which is non-numerical and relies on people's views and opinions.

wps.pearsoned.co.uk/wps/media/objects/1513/1550326/glossary/glossary.html

- A scientific study in which detailed information is obtained about complex issues, sensitive topics or life experiences. The information provides a deeper understanding and is used to generate new theories or hypotheses.

www.mh.state.oh.us/oper/research/pubs.ta.research.glossary.html

- Relating to the quality of a substance. Qualitative analysis methods are designed to find/identify different components.

www.convatec.com/en_AU/tips/dictionary/wound_care.htm

- involving distinctions based on qualities; "qualitative change"; "qualitative data"; "qualitative analysis determines the chemical constituents of a substance or mixture"



- relating to or involving comparisons based on qualities

wordnet.princeton.edu/perl/webwn

define:qualitative

Search

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define:quality

[Advanced Search Preferences](#)[Web](#)

Related phrases: [quality control](#) [quality assurance](#) [water quality](#) [quality of life](#) [total quality management](#) [quality management](#) [quality factor](#) [quality of service](#) [air quality](#) [quality improvement](#)

Definitions of **quality** on the Web:

- an essential and distinguishing attribute of something or someone; "the quality of mercy is not strained"--Shakespeare
- a degree or grade of excellence or worth; "the quality of students has risen"; "an executive of low caliber"
- a characteristic property that defines the apparent individual nature of something; "each town has a quality all its own"; "the radical character of our demands"
- timbre: (music) the distinctive property of a complex sound (a voice or noise or musical sound); "the timbre of her soprano was rich and lovely"; "the muffled tones of the broken bell summoned them to meet"
- choice: of superior grade; "choice wines"; "prime beef"; "prize carnations"; "quality paper"; "select peaches"
- of high social status; "people of quality"; "a quality family"
wordnet.princeton.edu/perl/webwn
- Quality refers to the inherent or distinctive characteristics or properties of a person, object, process or other thing. Such characteristics or properties may set a person or thing apart from other persons or things, or may denote some degree of achievement or excellence. When used in relation to people, the term may also signify a personal character or trait.
en.wikipedia.org/wiki/Quality
- The totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs.
www.chesapeakebay.net/info/qa_glossary.cfm
- In publishing parlance, the word quality in reference to a book category (such as quality fiction) or format (quality paperback) is a term of art - individual works or lines so described are presented as outstanding products.
www.brochure-design.com/brochure-design-publishing-terms.html
- Subjective term relating to expectations by the customer, printer, and other professionals associated with a printing job and whether the job meets those expectations. Quick printing - Printing using small sheetfed presses, called duplicators, using cut sizes of bond and offset paper. Paper, plastic or rubber plates are made directly from camera-ready copy, as compared to metal plates for commercial printing that require making film first. ...
www.marrak.com/resource/glossary.html
- consistent performance of a uniform product meeting the customer's needs for economy and function.
www.palletone.com/resource/glossary.html
- the character of a chord given by its third, fifth, and seventh. The qualities are major, dominant, minor, tonic minor, half-diminished and diminished. In theory augmented major and augmented (dominant) would also be 'qualities' but they are usually just considered alterations.
www.humboldt1.com/~jazz/glossary.html

- Value which describes the resonance properties of an oscillating system, for example a resonant circuit or a resonant cavity (resonator). The quality of an oscillating system depends on the average energy stored by the system and its power loss. The higher the quality, the steeper the resonance curve and the narrower the bandwidth.
www.desy.de/pr-info/desyhome/html/presse/glossary.html
- Wiley Publications are known for their quality of content and high standards of production.
www.wiley.com/legacy/wileychi/ecc/publish.html
- The totality of features or properties of an entity that bear on its ability to satisfy stated and implied needs.
www.iese.fhg.de/Publications/book/Guides/glossary/content.html
- In the context of GIS data, quality usually refers to how fit the data are for a particular purpose.
hds.essex.ac.uk/g2gp/gis/sect101.asp
- Meeting expectation and requirements, stated and un-stated, of the customer.
www.vmec.org/glossary/
- All Acromag products undergo rigid quality control procedures to ensure compliance with our published specifications. Customers are welcome to observe our standard inspection procedures at a nominal charge. Factory inspections requiring special tests, documentation, or procedures not normally part of Acromag's standard procedures, are subject to additional charges.
www.acromag.com/aa_terms.cfm
- to be at a high degree of excellence; something that is good or well done
www.groundwater.org/kc/kidsvocab.html
- Definition: The percentage of data obtained that is "good" (eg not affected by clouds) Data Type: integer Possible Values: 0 <= x <= 100 Default: none Origin: WSC Instrument: Source: Rate of change: per sequence Comment: Never used. See the Warning page.
bass2000.bagn.obs-mip.fr/New2003/Pages/thesaurus2001.html
- The composite of material attributes, including performance features and characteristic, of a product or service to satisfy a given need.
www.mmd.admin.state.mn.us/mn06008.htm
- The credit rating given to an individual security by a rating agency such as Moody's or Standard & Poor's.
www.morganstanley.com/im/glossary/
- Status summary. Scale runs from 0 - 10. This value is determined by 'sigma = int(VEL_RES/VEL_RMS)'. If 'sigma' is 3 standard deviations or less, the QUALITY value is '0' and the image is clean and sharp. If 3sigma < VEL_RES <= 4sigma , QUALITY = 3 If 4sigma < VEL_RES <= 5sigma , QUALITY = 4 If 5sigma < VEL_RES <= 6sigma , QUALITY = 5, etc. ...
physics.usc.edu/solar/FITS.html
- the dual of quantity: quality of the first kind is a combination of the irreducible dimensions of mass, length and time, MLT; quality of the second kind is system performance and consists of a ratio of qualities of the first kind.
www.corebooksweb.com/definitions.htm
- the filling of time. Reality: sensation in general; points to being (in time). Negation: not-being in time.
www.bright.net/~jclarke/kant/princip1.html

- covers the implementation of quality programs which attempt to improve the standard or performance of a company, product or industry and the impact of changes made because of quality factor. Includes TQM and Baldridge material.
rdsweb2.rdsinc.com/help/bi_ct_expdef.html
- The quality of the product is to a high standard, we cannot be held responsible for variances in quality from the manufacturer.
www.cigarsclub.com/terms.htm
- Manufacturing is conducted under the strict requirements of an ISO 9001 quality assurance program.
www.ccgicorp.com/systems.helical.piles.php
- Conformance to requirements or fitness for use. Quality can be defined through five principal approaches: (1) Transcendent quality is an ideal, a condition of excellence. (2) Product-based quality is based on a product attribute. (3) User-based quality is fitness for use. (4) Manufacturing-based quality is conformance to requirements. (5) Value-based quality is the degree of excellence at an acceptable price. ...
scrc.ncsu.edu/public/DEFINITIONS/P%20-%20R.html
- means the ability of a set of inherent characteristics of a product, system or process to fulfil requirements of customers and other interested parties (from AS/NZS ISO 9000:2000).
www.nswfitc.com.au/a/1855.html
- the totality of an entity's properties which make it capable of satisfying an expressed or hypothetic need, that is, acceptability or suitability for a given purpose;
www.unizg.hr/tempusprojects/glossary.htm
- The State will be the sole judge in determining "equals" with regard to quality, price and performance. All products delivered shall be newly manufactured and of the manufacturer's current model, unless otherwise specified.
www.cu.edu/psc/purchasing/vendor/po-terms.html

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